IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 449/2002

UMMEDI LAL Vs. STATE OF RAJASTHAN & ANR.

Date of order: 02.02.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Arvind Sharma for
Mr. Anurag Sharma for the accused-petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.

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This revision petition under Section 397/401 Cr.P.C. is directed against the order dated 30.04.2002 passed by the Additional Civil Judge (JD) & Judicial Magistrate No.1, Hindaun City, District Karauli in Criminal Case No. 881/2001, whereby the charges have been framed against the accused-petitioner for the offence under Section 498-A, 406 IPC.

The case of the petitioner is that the marriage itself has been declared void vide order dated 02.03.2002 passed by the Civil Judge (Jr. Division), Laxmangarh (Alwar) in Civil Suit No. 08/2001- Ummedi Lal Vs. Smt. Sunita.

Further the Hon'ble Supreme in the case of ***Shivcharan Lal Verma & Anr. Vs. State of Madhya Pradesh, reported in 2002(1) WLC(SC) Criminal 409,*** has held that marriage of deceased herself void as

committed during life-time of first wife of accused-Conviction under Section 498-A not permissible.

Having considered the rival submissions of the respective parties and upon careful perusal of the order impugned dated 30.04.2002 by which charges for the offence under Sections 498-A, 406 IPC have been framed against the accused-petitioner and after going through the order dated 02.03.2002 passed by the Civil Judge (Jr. Division), Laxmangarh, it appears that this order dated 02.03.2002 has not been considered at the time of framing of the charges.

In the interest of justice, I deem it proper to quash and set-aside the impugned order dated 30.04.2002 and remand the matter back to the Court below for hearing afresh and after considering the order dated 02.03.2002 and the aforementioned judgment rendered by the Hon'ble Supreme Court, shall pass fresh order on framing of the charge in accordance with the provisions of law.

With these observations, the revision petition stands disposed of.

(K.S. RATHORE),J.

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